



Senate

General Assembly

February Session, 2006

File No. 336

Senate Bill No. 439

Senate, April 4, 2006

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING SEXUAL ASSAULT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (8) of section 53a-65 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (8) "Intimate parts" means the genital area or any substance emitted
5 therefrom, groin, anus or any substance emitted therefrom, inner
6 thighs, buttocks or breasts.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	53a-65(8)
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JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Various Criminal Justice Agencies	GF - Cost	Potential	Potential
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the crime of sexual assault. To the extent that this change increases the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Various Criminal Justice Agencies	GF - Cost	Potential	Potential	Potential
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

OLR Bill Analysis
SB 439***AN ACT CONCERNING SEXUAL ASSAULT.*****SUMMARY:**

This bill expands the activities that constitute third and fourth degree sexual assault. It makes someone guilty of these crimes if all other elements of the crimes are met and the actor engages in or causes or forces another to submit to sexual contact by emitting any substance from his genital area or anus.

By law, third degree sexual assault is a class D felony or, if the victim is under age 16, a class C felony. A class D felony is punishable by up to five years in prison, a \$5,000 fine, or both. A class C felony is punishable by up to 10 years in prison, a \$10,000 fine, or both.

Fourth degree sexual assault is a class A misdemeanor or, if the victim is under age 16, a class D felony. A class A misdemeanor is punishable by up to one year in prison, a \$2,000 fine, or both.

EFFECTIVE DATE: October 1, 2006

BACKGROUND***Third Degree Sexual Assault***

A person commits third degree sexual assault when he compels another person to submit to sexual contact by force or threat of force against the victim or a third person. The threat must reasonably cause the victim to fear physical injury to himself or the third person. The sexual contact must have been intended for the actor's sexual gratification or the victim's humiliation or degradation.

Fourth Degree Sexual Assault

This crime generally involves sexual contact without a victim's

permission or sexual contact with a victim who is (1) unable to give consent because of age or physical or mental circumstances, (3) helpless, or (3) vulnerable because the actor holds a special position of trust or power over them.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 36 Nay 0 (03/17/2006)